



**HB 4762 & 4763**

**House Committee on Transportation and Infrastructure**

**June 6, 2013**

### **Automated Traffic Enforcement**

**The ACLU of Michigan opposes enabling legislation for red light cameras – HB 4762 & 4763.**

**Red light cameras pose a real threat to civil liberties by eliminating protections and due process rights of citizens. First and foremost, the cameras threaten due process that the Constitution guarantees in cases of civil as well as criminal violations. The automated ticketing scheme designed in this legislation denies one the right to confront their accuser and because the ticket in this case is delivered up to a month after the incident, the ability to defend oneself is severely diminished. And the burden is solely on the owner so that if, for instance, the owner was moving out of the way of an emergency vehicle they would have to first, remember the incident and second, prove that there was an emergency vehicle involved in the incident.**

**Additionally, this bill includes a fee just to challenge a ticket exacting a price on constitutional due process.**

**Drivers see red light cameras as unfair because red light cameras are unfair. Many cases have been documented of drivers being ticketed unjustly while in funeral processions and avoiding emergency vehicles. Poorly calibrated cameras and improperly transcribed license plates have led to other unwarranted tickets. There is no mechanism by which to challenge the operation of the device. In this legislation, the red light camera company may very well be authorized and responsible for reviewing and assembling the recorded images that are sent to the police for processing.**

**In the past year, many communities have shut down their red light camera programs. These communities have learned hard lessons about outsourced, for-profit, automated law enforcement; lessons that we need not repeat in Michigan.**

**They've learned that red light cameras enrich for-profit vendors and fail to provide the promised safety benefits. They're also wildly unpopular with the public, who view them as cynical cash grab. The city of San Diego, following in the footsteps of Los Angeles, Albuquerque and Houston, ended red light traffic camera ticketing. San Diego Mayor Bob Filner described the program as a "traffic trap" and noted that more than 30 percent of the citations were issued from a single intersection near the airport, targeting unsuspecting visitors.**

These failings, the camera vendors argue, are not as important as the safety benefits. But those benefits are highly questionable, at best.<sup>i</sup> The claims of improved safety are based on studies funded by the companies or the insurance industry, studies that have been repeatedly contradicted by independent research and by the experiences of individual communities such as Los Angeles, Denver and San Diego, which found no safety benefit to red light cameras. Even if you grant the same credibility to industry-funded studies as to independent research, the best you can say is that the claim of improved safety is highly controversial. Many studies have shown increases in rear-end crashes and in injuries after red-light cameras are installed.

Fortunately, there are better, easier and far more equitable ways to make intersections safer. Engineers from AAA worked with government officials in Michigan<sup>ii</sup> to cut accidents and injuries in half at several dangerous intersections. They did it by enlarging the lenses of traffic signals, repainting turning lane stripes, re-timing yellow lights and adding an all-red clearance interval. If safety is the goal, why would we not try that proven remedy first?

I urge you to observe the lessons already learned about red light cameras and to spare Michigan the consequences of a scheme that enriches private interests, provides no public benefit and infringes on individual rights. Please reject these bills.

**Shelli Weisberg, Legislative Director**  
**American Civil Liberties Union of Michigan**  
**Cell: 248-535-7112**

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<sup>i</sup> A 2005 Virginia Department of Transportation study of the long-term effects of camera enforcement in the state found a decrease in the number of right-angle crashes with injuries, but an increase in rear-end crashes and an overall increase in the number of crashes causing injuries. In 2007, the department issued an updated report which showed that the overall number of crashes at intersections with red light cameras increased. This report concluded that the decision to install red light cameras should be made on an intersection-by-intersection basis as some intersections saw decreases in crashes and injuries that justified the use of red light cameras, while others saw increases in crashes, indicating that the cameras were not suitable in that location. [73] This study, too, is considered flawed by the IIHS.

A 2004 study of 17,271 crashes from North Carolina A & T University showed that the presence of red light cameras increased the overall number of crashes by 40%. [70] This research received no peer review and is considered flawed by the IIHS. Aurora, Colorado experienced mixed results with red light cameras; after starting camera enforcement at 4 intersections, crashes decreased by 60% at one, increased 100% at two, and increased 175% at the fourth.

However, a 2010 analysis by the Los Angeles City Controller found L.A.'s red light cameras hadn't demonstrated an improvement in safety, [77] specifically that of the 32 intersections equipped with cameras, 12 saw more crashes than before the cameras were installed, 4 had the same number, and 16 had fewer crashes.

A 2005 study by the U.S. Federal Highway Administration (FHWA) suggests red light cameras reduce dangerous right-angle crashes. [63] This study also found there can be an increase in the number of rear-end collisions, leading to the total number of collisions remaining unchanged. This FHWA study has been criticized on grounds that one of its co-directors has performed research for the Insurance Institute for Highway Safety (IIHS), a private corporation representing the auto insurance industry that profits significantly from insurance surcharges on drivers ticketed by red light cameras.

<sup>ii</sup> AAA Michigan Study Shows Cameras Aren't Needed

AAA Michigan helped prove one of NMA's points relating to red light running. AAA Michigan has used relatively inexpensive structural changes to dramatically cut crashes at problem intersections -- without the use of camera enforcement.

AAA Michigan worked with Detroit city engineers to identify problem areas. They focused on high-crash intersections. The problem intersections were identified, and then specific improvements were decided upon and implemented. Improvements such as enlarging traffic light lenses by 50 percent, re-striping left turn lanes with pavement markings, re-timing the traffic

signals, and adding an all-red clearance interval (when you leave both sides red for a second or two while the signals are changing).

During the first 27 months of the four demonstration projects, crashes decreased by 47 percent with a 50 percent reduction in injuries.

Transportation Engineering Manager for AAA Michigan David Feber has stated, "Interestingly enough, we've seen red-light violations decrease by approximately 50 percent." He explains, "the larger signal heads are more visible, and we've placed them in more conspicuous places. What we're finding is that not all motorists are running red lights because they are so aggressive. Some are running the light because they're not paying attention."

Improving the timing of the amber phase also helped, "You have to decide to stop when you see the yellow," Feber says, "So there's an optimal length of the amber phase where people can make that decision safely. If it's too short or too long, you get more red light violators." Feber went on to say, "Some intersections are designed so motorists tend to violate the red -- we can reduce that through engineering rather than enforcement."

This reinforces a point that the NMA has made repeatedly. If intersections are properly designed, and signals are properly installed and timed, red light running is reduced to inconsequential levels. This is where state and local governments should be investing their resources, instead of installing cameras designed to further fleece motorists.

Source: AAA Foundation for Traffic Safety: Progress Report Volume 6, Number 6.

